

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7635 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PIYUSH CHIMANLAL BHATT

Versus

REGIONAL MANAGER

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Appearance:

MR MS TRIVEDI for Petitioner

MR SS PANESAR for Respondent No. 1, 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 03/07/97

ORAL JUDGEMENT

Petitioner herein is a brother of one Dilipkumar Bhatt who was serving in the Respondent Bank and passed away on 29th June, 1992 while he was in service. Said Dilipkumar was a bachelor and was residing with his widowed mother and younger brother i.e. petitioner herein. On demise of said Dilipkumar, petitioner

claiming to be his dependent, made an application for compassionate employment in the respondent Bank. Petitioner's application has been rejected by the respondent Bank and the order has been communicated to the petitioner on 22nd June, 1995. Feeling aggrieved, the petitioner has preferred this petition.

2. Claim of the petitioner has been contested by the Bank. Senior Manager of the Bank has filed affidavit-in-reply to the petition and has placed on records Scheme for compassionate employment to the dependents of the deceased employees of the bank. Under the said Scheme, under paragraph-2, the word "Dependent" has been defined. Under Clause (c), it is provided that in the case of unmarried employee, dependent would be the brother or sister. Paragraph-3 provides for eligibility for compassionate employment under the said Scheme. Paragraph-7 provides for the age limit within which a dependent can be offered compassionate employment under the said Scheme. Clause (b) of the said paragraph provides that the person claiming compassionate employment shall be minimum of 18 years' age and the maximum 30 years' age. In the present case, it has been found that the petitioner is around 37 years of age.

3. In my view, compassionate appointment can be offered strictly in accordance with the provisions made for offer of such appointment. Such provisions are made with a view to facilitating the family members of the deceased employee to tide over their immediate financial crisis. Same cannot be converted into another mode of recruitment. In the present case, it is not disputed that the petitioner has crossed the upper age limit under the aforesaid Scheme. Further, it is also not established that the family has become destitute on account of demise of late Dilipkumar. It is also not established that the petitioner, even at the age of 36 years, was still dependent upon his brother i.e. late Dilipkumar.

4. In view of the above facts, petitioner cannot be held to be entitled for compassionate employment in the respondent Bank. Petition is, therefore, dismissed. Rule is discharged.

03.07.1997. \*\*\*\*\*

\*Vyas